

Mark Frankel
Backenroth Frankel & Krinsky, LLP
800 Third Avenue, Floor 11
New York, New York 10022
(212) 593-1100
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Presentment Date and Time:
March 9, 2020 10:00 a.m.

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In re

4921 12th Avenue, LLC,

Chapter 11
Case No. 18-47256 (CEC)

Debtors.
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NOTICE OF PRESENTMENT

PLEASE TAKE NOTICE, PLEASE TAKE NOTICE that upon the hearing held on January 22, 2020, the undersigned will present the attached proposed order to the Honorable Carla E. Craig, United States Bankruptcy Judge, for signature on March 9, 2020, at 12:00 p.m.

PLEASE TAKE FURTHER NOTICE that unless a written objection to the proposed order, with proof of service, is filed with the Clerk of the Court and a courtesy copy is delivered to the Bankruptcy Judge's chambers at least three days before the date of presentment, there will not be a hearing and the order may be signed.

PLEASE TAKE FURTHER NOTICE that if a written objection is timely filed, the Court will conduct a hearing on March 18, 2020 2:30 p.m. at the United States Bankruptcy Court 271 Cadman Plaza East, Brooklyn, New York. The moving and objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in relief being granted or denied upon default.

PLEASE TAKE FURTHER NOTICE that the ECF docket number to which the filing relates shall be included in the upper right-hand corner of the caption of all objections.

Dated: New York, New York
February 21, 2020

BACKENROTH FRANKEL & KRINSKY, LLP
Attorneys for Plan Administrator

By: s/Mark A. Frankel
800 Third Avenue
New York, New York 10022
(212) 593-1100

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

Chapter 11

4921 12th Avenue, LLC

Case no. 18-47256

Debtor.

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WRIT OF ASSISTANCE

Upon the motion of Mark Frankel as plan administrator (“Plan Administrator”) for the entry of an order under sections 105, 1127 and or 1142 of the Bankruptcy Code authorizing, among other things, the Plan Administrator of the confirmed plan in the case of 4921 12th Avenue, LLC’s to remove the occupants of the ground floor commercial space at the Debtor’s property at 4921 12th Avenue, Brooklyn, New York (“Property”) through a writ of assistance directing the United States Marshals Service (U.S. Marshal) to accompany the Plan Administrator’s representative to effectuate turnover of the Property pursuant to Rule 70 of the Federal Rules of Civil Procedure; and upon the hearing held on January 22, 2020, and after due deliberation and sufficient cause shown therefore, it is

ORDERED, that, effective immediately, the US Marshal is authorized and directed to assist the Plan Administrator and to take any and all necessary actions, including but not limited to the use of reasonable force to enter and remain on the Property in order to (i) evict the ground floor tenant and any other ground floor occupants of the ground floor of the Property- (ii) remove any and all personal property of the ground floor tenant and/or occupant from the

ground floor of the Property and (iii) deliver possession of the Property to the Plan Administrator; and, it is further

ORDERED, that the Plan Administrator on whose behalf the Court issues this Order, will act as substitute custodian of any and all property seized pursuant to this Order and shall hold harmless any and all of the Law Enforcement Agencies utilized in the enforcement of this Order and the Eviction Order, and their employees from any and all claims, asserted in any court or tribunal, arising from any acts, incidents, or occurrences in connection with the eviction of and seizure and possession of the-property, including third-party claims; and, it is further

ORDERED, that the Plan Administrator on whose behalf the Court issues this Order will account completely for all personal property and effects seized and removed pursuant to this Order and the Eviction Order and shall compile a written inventory of all such property and shall provide a copy to such any and all of the Law Enforcement Agencies utilized in the enforcement of this Order and the Eviction Order, who shall include a copy with his return to the Court; and, it is further

ORDERED, that anyone interfering with the execution of this Order is subject to arrest by the U.S. Marshal or any other of the Law Enforcement Agencies utilized in the enforcement of this Order and and/or its representative;